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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,297	06/30/2004	Hitoshi MATSUMOTO	Q82169	4296
23373	7590	10/14/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MOUTTET, BLAISE L	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,297

Applicant(s)

MATSUMOTO ET AL.

Examiner

Blaise L Mouttet

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/318,268.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/9/04, 8/5/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. The current application is a continuation of US patent application 09/318,268 (pending) the contents of which have been considered by the examiner. Applicant's claim for foreign priority is acknowledged and the foreign priority papers were received in application 09/318,268.

Information Disclosure Statement

2. The Information Disclosure Statements (2) filed on July 9, 2004 and the Information Disclosure Statement filed on August 5, 2004 have been considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. US 5,610,635 in view of Hirst et al. US 5,930,553.

Murray et al. discloses, regarding claim 1, a recycled ink cartridge (figures 2 and 3) manufactured by recycling a used ink cartridge (as explained in column 13, lines 27-31 the ink cartridge is periodically refilled for reuse which is equivalent to being recycled), the recycled ink cartridge comprising:

- a container having an ink chamber (52) for containing ink therein (figure 2);

- an ink supply port in fluid communication with the ink chamber (although not explicitly indicated this is implicitly necessary for the refilling discussed in column 13, lines 27-31); and

- a memory device (48).

Regarding claim 4, the memory device (48) stores data (drop count) related to the ordinal number of a recycling operation carried out by the used ink cartridge (as explained in column 13, lines 15-35 the number of ink drops expelled is stored in the memory and is related to the number of refill operations carried out by the ink cartridge).

Regarding claim 5, the memory device (48) stores data (ink type and color) related to an exchange of a part (ink liquid) of the used ink cartridge by a recycling operation (column 3, lines 30-35).

Murray et al. fails to disclose, regarding claims 1-3, that the memory device stores data indicative of when the used ink cartridge was recycled including data indicative of the date of recycling or the date of refilling.

Hirst et al. provides teachings relevant to recycling of print consumables such as ink cartridges and memory devices associated with the cartridges (abstract, column 4, lines 7-23). Hirst et al. teaches transferring data indicating the date of recycling/refilling from a computer to a memory device on a print consumable (column 6, lines 4-20, figures 4-6).

It would have been obvious to a person of ordinary skill in the inkjet art at the time of the invention to include data indicative of when the used ink cartridge was recycled/refilled, as taught by Hirst et al., in the memory device of Murray et al.

The motivation for doing so would have been to help the re-manufacturer who recycles the ink cartridge to generate and gather statistics for future re-manufacturing as indicated by column 1, lines 25-40 of Hirst et al.

4. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Childers et al. US 6,126,265 in view of Hirst et al. US 5,930,553.

Childers et al. discloses, regarding claim 1, an ink cartridge (figures 2 and 3) comprising:

a container having an ink chamber (26) for containing ink therein (figure 2);
an ink supply port (50) in fluid communication with the ink chamber (figure 3, column 5, lines 5-9); and

a memory device (28).

Regarding claim 6, the memory device (28) stores data (flushing frequency) related to a method of charging ink into a printhead (12) from the ink cartridge (as explained in column 5, lines 34-36 and column 6, lines 42-55 cleaning methods for the printhead and flushing parameters for such methods are stored in the ink cartridge memory).

Regarding claim 7, the memory device stores data (number of spits, drops fired, flushing frequency) related to an amount of ink drawn via the printhead from the ink cartridge (column 5, lines 21-35).

Childers et al. fails to disclose, regarding claims 1 and 2, that the ink cartridge was recycled or that the memory device stores data indicative of when the ink cartridge was recycled including data indicative of the date or recycling.

Hirst et al. provides teachings relevant to recycling of print consumables such as ink cartridges and memory devices associated with the cartridges (abstract, column 4, lines 7-23). Hirst et al. teaches transferring data indicating the date of recycling to a memory device on a print consumable (column 6, lines 4-20, figures 4-6).

It would have been obvious to a person of ordinary skill in the inkjet art at the time of the invention to recycle the ink cartridge of Childers et al. and include data indicative of when the ink cartridge was recycled, as suggested by Hirst et al., in the memory device of the ink cartridge.

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The motivation for doing so would have been to avoid waste and to help the re-manufacturer who recycles the ink cartridge gather statistics as indicated by column 1, lines 25-40 of Hirst et al.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet who may be reached at telephone number (571) 272-2150. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, Art Unit 2853, can be reached at (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet October 8, 2004

Blaise Mouttet 10/8/2004